

Remarks

I. Status of the Claims

Upon entry of the foregoing amendment claims 3 and 47-70 are pending in the application, with claims 3 and 47-50 being the independent claims. Claims 1, 2 and 4-46 are cancelled. Claim 3 is amended. The cancellation of subject matter in claim 3, and cancellation of claims 1, 2 and 4-46, is pursuant to the Restriction Requirement of June 29, 2005, and is without prejudice or disclaimer of the cancelled subject matter.

Claim 3 is also amended to correctly refer to an isolated nucleic acid having the sequence of SEQ ID NO: 115.

Claims 47-70 are new. Support for new claims 47-70 may be found in the originally-filed claims including claims 1-4 and 32; and throughout the specification at, *inter alia*, pages 8 and 9, Table 1; pages 10-15 and Examples 7-10.

Accordingly, the amendments to claim 3 and addition of new claims 47-70 do not introduce new matter nor do they exceed the scope of the elected subject matter. Applicants respectfully requested entry of the amendments and new claims 47-70, consideration and immediate allowance of all pending claims.

II. Restriction/Election

In the Office Action at page 2 the Examiner has reasserted the June 29, 2005, Restriction Requirement, and withdrawn claims 1, 2, 4-31 and 33-46 from consideration as drawn to non-elected inventions. Solely to advance prosecution, Applicants have cancelled the withdrawn claims and, further, amended claim 3 to cancel non-elected subject matter therein.

III. Formalities

In the Office Action at page 2 the Examiner has acknowledged Applicants' claim for priority and has indicated that Applicants' Information Disclosure Statement is "being considered by the Examiner." In view of the initialed copy of the Form PTO-1449 provided with the Office Action, Applicants believe that all cited references have been considered by the Examiner. In addition, Applicants note that the Examiner has not indicated if the Drawings are acceptable.

Applicants respectfully request that the Examiner confirm in the next Office Action that (a) all the cited references have been considered and (b) that the Drawings are acceptable.

IV. Rejection Under 35 U.S.C. § 112, second paragraph.

At pages 2-3 of the Office Action the Examiner has rejected claims 3 and 32 under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim that which Applicants regard as the invention, as both claims 3 and 32 are allegedly drawn to non-elected inventions. Applicants respectfully traverse the rejection. However, solely to advance prosecution and not in acquiescence to the rejection, Applicants have cancelled the non-elected inventions, rendering moot the rejection. Accordingly, Applicants respectfully believe that claim 3 is allowable.

V. Applicants Reply to Interview Summary.

Accompanying the Office Action was the Interview Summary of the February 27, 2006, interview between the Examiner and Applicants' representative. Applicants consider that the Interview Summary is an accurate representation of the February 27,

2006, telephone interview. Representative for Applicants and the Examiner discussed the election of the nucleic acid of SEQ ID NO 115, as well as cancellation of claims that encompassed non-elected inventions. The Examiner also proposed an amendment to put claim 3 into condition for allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: September 13, 2006

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